

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**BRIAN KIRBY,**

**Plaintiff,**

**vs.**

**No. 1:12-CV-1134 SMV-WDS**

**SMITH'S FOOD & DRUG CENTERS INC.,**

**Defendants.**

**ORDER ADOPTING SECOND JOINT STATUS REPORT  
AND PROVISIONAL DISCOVERY PLAN**

THIS MATTER came before the Court on a Rule 16 scheduling conference. Following a review of the parties' Joint Status Report and Provisional Discovery Plan, the Court adopts the Joint Status Report and Provisional Discovery Plan as modified by the dates designated in the Court's Scheduling Order.



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W. DANIEL SCHNEIDER  
UNITED STATES MAGISTRATE JUDGE